

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 30, 1998

DIVISION ONE

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

[illegible]

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B114898 People (Not for Publication)
v.
Kimmel

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

DIVISION ONE (Continued)

[illegible]

The judgment of conviction is affirmed. The case is remanded for resentencing consistent with the views expressed herein.

Spencer, P.J.

We concur: Ortega, J.
Masterson, J.

[illegible]

The judgment is modified to reflect a \$200 restitution fine imposed pursuant to Penal Code section 1202.45. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare a corrected abstract of judgment reflecting the restitution fines imposed pursuant to Penal Code sections 1202.4 and 1202.45 and forward a copy thereof to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
Dunn, J. (Assigned)

B121152 Carlos Enrique Zeron
v.
City of Los Angeles, a Municipal Corporation, et al.

Filed order modifying opinion. (Change in judgment)

October 30, 1998-Continued

DIVISION ONE (Continued)

B114738 People (Not for Publication)
v.
Quintanar

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

B117974 People (Not for Publication)
v.
Lee

The judgment is modified to reflect the \$200 fine imposed pursuant to Penal Code section 1202.4, subdivision (b), and the \$200 fine required by Penal Code section 1202.45. As modified, the judgment is affirmed. The cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting both fines and to forward the corrected abstract to the Department of Corrections.

Masterson, J.

We concur: Spencer, P.J.
Dunn, J. (Assigned)

B118303 People (Not for Publication)
v.
Thompkins

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
Dunn, J. (Assigned)

DIVISION ONE (Continued)

B113127 Prestholt (Not for Publication)
 v.
 Duncan

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
 Dunn, J. (Assigned)

B104621 Graham (Not for Publication)
 v.
 Hornback

The judgment is modified to strike the punitive damage award and the matter is remanded with directions to enter judgment in favor of Wilbert B. Winbush, Jr., on the punitive damage issue. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Masterson, J.

We concur: Ortega, Acting P.J.
 Vogel (Miriam A.), J.

B120928 Lepacek (Not for Publication)
 v.
 Workers Compensation Appeals Board
 Cherne Contracting, Inc., Respondent

The Workers' Compensation Appeals Board's opinion and order of February 24, 1998, adopting the Workers' Compensation Judge's "Report and Recommendation on Petition for Reconsideration" and denying reconsideration, is annulled with directions to grant the petition and to order that petitioner be awarded vocational rehabilitation benefits.

Masterson, J.

I concur: Vogel (Miriam A.), Acting P.J.
I dissent: Ortega, J.(Opinion)

October 30, 1998-Continued

DIVISION ONE (Continued)

B113175 Certainly, Inc. (Not for Publication)
 v.
 Lola, Inc.

The judgment is affirmed.

Masterson, J.

We concur: Ortega, Acting P.J.
 Dunn, J. (Assigned)

B116059 Petrillo (Not for Publication)
 v.
 Klean-Rite Janitorial Supplies

The judgment is reversed. Plaintiff is to recover her costs on appeal.

Masterson, J.

We concur: Spencer, P.J.
 Dunn, J. (Assigned)

B093654 Nesbitt (Not for Publication)
B097204 v.
 Nesbitt

The order is reversed as to the rulings on the Erindale Square partnership interest issues. In all other respects, it is affirmed. Wife is to recover costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
 Dunn, J. (Assigned)

October 30, 1998-Continued

DIVISION ONE (Continued)

B118969 Nilchian (Not for Publication)
v.
Prudential Insurance Company

The order is affirmed.

Spencer, P.J.

I concur: Dunn, J. (Assigned)
I concur in the judgment only: Vogel (Miriam A.), J.

B119928	Commercial Waste Paper Co. Inc. v. Bye, et al.	(Not for Publication)
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The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B121356 Wear (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed.

Spencer, P.J.

I concur: Masterson, J.
I concur in judgment only: Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B114338 Sanchez etc., et al. (Not for Publication)
v.
BKK Corporation et al.

The judgment is reversed. Plaintiffs are awarded their costs on appeal.

Spencer, P.J.

We concur: Masterson, J.
 Dunn, J. (Assigned)

B121379 Straight (Not for Publication)
v.
Superior Court, Los Angeles County
(Logical Computer Services, Inc., r.p.i.)

Our stay is vacated. The orders made on April 2, 1998, and thereafter are vacated, and a peremptory writ of mandate shall issue to direct the superior court to transfer this case to a different judge, who shall set a briefing schedule and a hearing to determine whether the entry of default should be vacated and to thereafter take such further actions as shall be necessary. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

I concur: Ortega, J.
I dissent: Spencer, P.J. (opinion)

DIVISION TWO

B124452 Eumieka D. (Not for Publication)

v.

Superior Court, Los Angeles County
(L.A. County Dept. of Children and Family Services, r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to show cause is dismissed.

Fukuto, Acting P.J.

We concur: Nott, J.
 Zebrowski, J.

B124711 Kathleen S. (Not for Publication)

v.

Superior Court, Los Angeles County
(L.A. County Dept. of Children and Family Services, r.p.i.)

Accordingly, the petition for writ of mandate is denied, and the order to show cause is dismissed.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

B116544 People (Not for Publication)

v.

Lima

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

October 30, 1998-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B109695 Dativik Bedrossian, et al. (Not for Publication)
v.
Jirair Konialian, et al.

The order vacating the default judgment is affirmed. The Bedrossians to pay costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B122475 Los Angeles County, D.C.S. (Not for Publication)
v.
Jennifer B.

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

B124454 Dawn G. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children & Family Services, r.p.i.)

The petition is denied.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B093098 Petrolane Gas Service
Limited Partnership, etc. et al. (Not for Publication)
v.
Redevelopment Agency of the City of Long Beach, et al.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B114666 People (Not for Publication)
v.
Broussard

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (Continued)

B115126 People (Not for Publication)
v.
Leon

The judgment is modified to reflect, as to count 2, a conviction for having violated section 245, subdivision (a) (2), rather than section 245, subdivision (a) (1). The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
Goodman, J. (Assigned)

B117670 People (Not for Publication)
v.
Renteria

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B114720 People (Not for Publication)
v.
Coleman

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B107907 McKey
v.
Charles Schwab and Co., Inc.

Filed order certifying opinion for publication.

B114224 People (Not for Publication)
v.
Partida

The Court:

For the foregoing reasons, the judgment, as pronounced by the court, is modified to add a restitution fine, pursuant to Penal Code section 1202.4, subdivision (b)(1), in the sum of \$200. As modified the judgment is affirmed. The trial court is directed to correct the minute order reflecting the sentence and to prepare and forward to the Department of Corrections an amended abstract of judgment consistent with this opinion.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B112968 People (Certified for Partial Publication)
v.
Jones

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

October 30, 1998-Continued

DIVISION FOUR (Continued)

B106172 Watson (Not for Publication)
v.
Fisher et al.

The judgment is reversed. Appellant is to have his costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B106583 Bennett et al. (Not for Publication)
v.
American Motorsists Insurance Company

The judgment is reversed and remanded for proceedings consistent with this opinion. Appellants are to have their costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B110052 John Adair et al. (Not for Publication)
v.
James B. Barsby et al.

The judgment is affirmed. Respondents to recover their costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B104980 Patrick Green (Not for Publication)
 v.
 City of Los Angeles

The order denying City's motion for judgment notwithstanding the verdict is reversed. The trial court is directed to grant the motion and enter judgment in favor of defendant. As the award of attorney's fees in favor of plaintiff depended upon the judgment, that the order is likewise reversed.

Grignon, Acting P.J.

I concur: Armstrong, J.
I dissent: Godoy Perez, J. (Opinion)

DIVISION SEVEN

B102996 Tillery (Not for Publication)
 v.
 Keenan & Associates

The judgment is affirmed insofar as it establishes Keenan's liability, but reversed and remanded for retrial on damages. Each side to bear own costs.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.